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## Pledged to Public Service

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## *Closing Comments*

### Pledged to Public Service

*remarks by*  
RORY K. LITTLE

Kenneth Starr's career is defined, it seems to me, by a remarkable sense of duty. Not to one political party or any institution, but to public service. He has consistently responded to calls from others to serve his country in ways many of us might not. Since we have heard so much about the record, let us review the record.

In 1973, Kenneth Starr graduated from Duke University School of Law and went off to clerk for a federal judge, David Dyer of the Fifth Circuit. So far, so good . . . anyone might make those same choices if they were available. He then entered private practice with a law firm in Los Angeles, and then in 1975 began a clerkship with Chief Justice Warren Burger. Again, no surprise; any one of us might jump at a Supreme Court clerkship if it were offered.

But then, as his clerkship with Chief Justice Burger was ending, his one-year clerkship, the Chief asked Ken Starr to please stay another year. Now to put that in terms of today's salaries, he was being asked to sacrifice a salary of roughly \$160,000-\$175,000 per year for a law clerk salary of probably a quarter of that amount. I'm not sure that a lot of law clerks would have taken that opportunity, but Ken Starr responded to the call of public duty—of public service—and he stayed with Chief Justice Burger another year.

He then returned to private practice for another four years. Ken Starr was a high-ranking government official who has private practice real-world experience. Then in 1981, the new attorney general, William French Smith, invited him to be counsel to the attorney general. Sacrificing again the pleasures that the money of private practice can buy, Ken Starr opted for public service. In contrast to what we've heard today, he had a relatively halcyon period with the attorney general as counselor.

He was then nominated and confirmed as a judge on the United

States Court of Appeals for the D.C. Circuit. This is a rather meteoric ascension. And again, foregoing lucrative private practice options, he took the job. There are some fine lawyers who refuse the call of public service in the judicial branch. But on the other hand, a judgeship is a life-tenured position and you are set for life: regular hours, lifetime benefits, you don't work too hard (laughter). (I assure you that is a myth, as long as Judge Trott and Judge Wiggins are in the room.) So it is an understandable choice perhaps. But then what happened?

Five years later, the President asked Judge Starr to resign his lifetime position. "Become my solicitor general," he asked. Argue for our legal as well as some of our controversial political positions in front of the United States Supreme Court. Give up your lifetime benefits, your lifetime tenure, your position of neutrality, and all that rumored talk that you are a perfect person to be on the Supreme Court. Judge Starr could have stayed on the Court of Appeals. It is a safe position. He didn't. He resigned that life-tenured position and became the Solicitor General. And after watching him argue many appeals myself, I can tell you he did a very good job.

At the end of that administration, he then entered private practice again, but he didn't stay long. In 1993, he was called to become the Independent Counsel. Now you have heard him and the record reflects that he had already expressed the view that the independent counsel law was a bad idea. It led to lots of negative consequences. Why would you take this job? Well, you get to investigate the President. That may sound like a lot of glory, but I can assure you that anyone familiar with Washington D.C. would not anticipate that as being a happy and love-fest occasion. But he took that job. He took that job.

Every independent counsel up to that point had worked continuously at their private firm while doing their independent counsel duties, and so did Judge Starr. But after a while the media decided that was an improper relationship, and so he resigned his position or at least took a leave of absence, an unpaid leave of absence, from his law firm. And then, by the way, he was offered a deanship at a law school and ultimately did not take that, again sacrificing a position of relative safety and security for public service. And then he completed his report and the rest we all watched on national television.

I simply want to say to you two things about Kenneth Starr: One, he has had a remarkable career in public service and has not just been the independent counsel, and I predict that is not all he will do with the rest of his life. He is still a relatively young man. Two, there have been repeated calls to public service. Now you may not agree with some of the responses to those calls, but you cannot fault him for

being an outstanding, self-sacrificing public servant for his entire career as a lawyer.

Please join me in welcoming Kenneth Starr, and applauding him for doing a yeoman's job of summarizing today's events (applause).

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